

**APPLICATION (Revised April 2008)**  
**22ND CIRCUIT JUDICIAL COMMISSION**  
**CIRCUIT JUDGE**

**RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS SELECTED AS A NOMINEE.**



NAME: **Bridget Halquist**

1. State your present principal occupation: **Attorney at Law.**
2. Are you at least 30 years of age? **Yes.**
3.
  - (a) How long have you been a citizen of the United States? **All my life.**
  - (b) Have you been a resident of the City of St. Louis for at least one year immediately prior to the date of this application? **Yes.**
  - (c) How long have you been a qualified voter of Missouri? **Approximately 17 years.**

4. Are you licensed to practice law in Missouri? **Yes.**

List any other states, courts, or agencies in which you are licensed as an attorney:

**United States District Court, Eastern District of Missouri.**

5. State the date you were admitted to the Bar in Missouri? **September 24, 1999.**

Missouri Bar Number: **50317**

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

<b>Saint Louis University School of Law</b> <b>St. Louis, Missouri</b>	<b>Juris Doctorate</b> <b>1996 – 1999</b>
<b>Chaminade University</b> <b>Honolulu, Hawaii</b>	<b>Master of Science</b> <b>1993 – 1995</b>
<b>Wilmington College</b> <b>New Castle, Delaware</b>	<b>Bachelor of Arts</b> <b>1989 – 1992</b>

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

<b>United States Air Force</b> <b>Dover AFB, Delaware</b> <b>Hickam AFB, Hawaii</b>	<b>Weather Specialist</b> <b>1989 – 1993</b>
<b>Hawaii Air National Guard</b> <b>Wheeler AFB, Hawaii</b>	<b>Weather Specialist</b> <b>1993 – 1994</b>
<b>Miller Hale</b> <b>Honolulu, Hawaii</b>	<b>Offender Supervisor</b> <b>1993 – 1994</b>
<b>Gussie L'Amour's</b> <b>Honolulu, Hawaii</b>	<b>Waitress/Server</b> <b>1994 – 1994</b>
<b>Hickam Harbor Beach</b> <b>Hickam AFB, Hawaii</b>	<b>Lifeguard/Outdoor Recreation</b> <b>1995 – 1996</b>
<b>Chaminade University</b> <b>Honolulu, Hawaii</b>	<b>Adjunct Professor</b> <b>1995 – 1996</b>
<b>Kevin Boyne, P.C.</b> <b>Belleville, Illinois</b>	<b>Law Clerk/Intern</b> <b>1997 – 1998</b>
<b>Saint Louis University</b> <b>St. Louis, Missouri</b>	<b>Research Asst. to Prof. Michael Wolff</b> <b>May 1997 – May 1998</b>

<b>Federal Public Defender St. Louis, Missouri</b>	<b>Law Clerk/Intern May 1998 – May 1999</b>
<b>St. Francois Co. Prosecuting Attorney Farmington, Missouri</b>	<b>Law Clerk/Intern June 1999 – September 1999</b>
<b>Missouri State Public Defender St. Louis, Missouri</b>	<b>Trial Attorney October 1999 – May 2001</b>
<b>Rabbitt, Pitzer, &amp; Snodgrass, P.C. St. Louis, Missouri</b>	<b>Associate Attorney May 2001 – October 2002</b>
<b>U.S. District Court, EDMO St. Louis, Missouri</b>	<b>Law Clerk to Hon. Henry E. Autrey November 2002 – October 2006</b>
<b>Armstrong Teasdale LLP St. Louis, Missouri</b>	<b>Associate Attorney October 2006 – August 2008</b>
<b>Harris-Stowe State University St. Louis, Missouri</b>	<b>Adjunct Professor, Business School Spring 2011 &amp; Fall 2011</b>
<b>Chackes Carlson, LLP St. Louis, Missouri</b>	<b>Partner &amp; Of Counsel September 2008 – July 2014</b>
<b>Supreme Court of Missouri Missouri Board of Law Examiners</b>	<b>Bar Examiner (Essay) July 2014 – Present</b>
<b>Sher Corwin Winters LLC St. Louis, Missouri</b>	<b>Of Counsel August 2014 – Present</b>

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one-three sentence description of each case and its outcome. **N/A.**

(b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one-three sentence description of each case and its outcome.

9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? **Yes.**
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.

**See attached, Appendix A – Trial Practice.**

11. Have you briefed or argued any case in an appellate court? **Yes.**

If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.

**See attached, Appendix B – Appellate Practice.**

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

**As a federal judicial law clerk, I researched, drafted, and finalized numerous Orders on behalf of Honorable Henry Edward Autrey, United States District Court, Eastern District of Missouri. I have also participated as the primary resource for Judge Autrey in several hearings and trials, helping him to prepare and assisting him with substantive and procedural matters including, but not limited to, motions in limine, evidentiary issues, and jury instructions. I provided counsel to the Judge regarding pending cases and conferred with him about the law as it related to such cases and their appropriate resolution. The position demanded a superior service-oriented attitude and the highest standards of professionalism.**

13. Have you ever been convicted of a misdemeanor or felony? **No.**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction: **N/A.**

14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem?

**I have never been sued by a client, but I have been a party to litigation as indicated below.**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

**Bridget Halquist v. Jeffrey Frye, Cause No. 22003-05404**

**In the Circuit Court for the City of St. Louis, November 2000 – January 2001**

- Dissolution of marriage.

**Ronald Leggett v. Bridget Halquist, Cause No. 22032-02334**

**In the Circuit Court for the City of St. Louis, July 2003 – August 2003**

- Suit initiated for alleged failure to pay motor vehicle personal property tax. Cause dismissed *with prejudice* and no costs were assessed.

**Bridget Halquist v. James Crisel and Kathleen Maddox, Cause No. 030-12772**

**In the Circuit Court for the City of St. Louis, October 2003 – January 2004**

- As the owner of rental property in the City of St. Louis, I filed suit for the expedited eviction of tenants occupying the premises pursuant to Section 441.740 of the Missouri Revised Statutes. Consent Judgment against Defendants.

15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? **No.**

If yes, provide details: **N/A.**

16. Have you ever been held in contempt of court? **No.**

If yes, provide details: **N/A.**

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? **No.**

If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed: **N/A.**

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. **No.**

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist: **N/A.**

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? **No.**

If yes, provide details: **N/A.**

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **No.**

If yes, provide details: **N/A.**

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

**Missouri Bar**

**Missouri Association of Trial Attorneys**

**National Employment Lawyer's Association**

**American Bar Association, Litigation Section and Labor & Employment Section**

**Lawyer's Association of St. Louis**

**Bar Association of Metropolitan St. Louis**

**Women Lawyer's Association of St. Louis**

**Tower Grove Heights Neighborhood Association**

**Board Member & Secretary, Nursery Foundation of St. Louis, 2006-2011**

**Bar Examiner (Essay), Missouri Board of Law Examiners, July 2014 – Present**

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

**As a resident of Tower Grove Heights in the City of St. Louis, where I have lived since 1997, I am a lifetime member of the Tower Grove Heights Neighborhood Association. The Association is committed to enhancing the lives of its residents, and bettering the neighborhood and surrounding communities. Also, from 2006 to late 2011, I proudly served as a Board Member and Secretary of the Nursery Foundation of St. Louis, a multicultural day nursery located in the City of St. Louis and founded in 1947 by Mrs. Frances "Queenie" Schiele. The Nursery Foundation's mission is to provide quality, developmentally appropriate childcare and education to preschool children ages 12 months through five years regardless of their families' ability to pay. It was the first program of its kind in the state of Missouri. Fees for the organization's services are calculated on a sliding scale that is based upon family size and income. Services are open and available to anyone, but the organization tends to reach out to lower-income families in North St. Louis. For almost 60 years, proceeds raised by the Greater St. Louis Book Fair have helped support the organization.**

21. Do you now hold or have you ever held any elective or appointive public office or position? **No.**

If yes, provide details: N/A.

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:

<b>United States Air Force</b>	<b>Feb 1989 – Jul 1993</b>
<b>Weather Specialist (E-4)</b>	<b>Honorable Discharge</b>

<b>Hawaii Air National Guard</b>	<b>Jul 1993 – Jul 1994</b>
<b>Weather Specialist (E-4)</b>	<b>Honorable Discharge</b>

23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

**Articles & Presentations:**

- (a) Author, "Individual Liability for Supervisors Under the MHRA" *Missouri Employment Law Letter*, December 2006.
- (b) Author, "Eighth Circuit Rejects Employee's Claim of Hostile Environment When Employer Fired Harasser," *Missouri Employment Law Letter*, December 2006.
- (c) Author, "Employee's Inability to Use Arm Not a "Disability" Under the ADA" *Missouri Employment Law Letter*, February 2007.
- (d) Author, "Excluding Contraceptives From Health Care Plan Does Not Violate PDA" *Missouri Employment Law Letter*, May 2007.
- (e) Author, "Eighth Circuit Rejects Employee's Claim of Verbal Abuse by Supervisor" *Missouri Employment Law Letter*, July 2008.
- (f) Speaker, *Employment Law Panel Discussion*, Washington University School of Law, St. Louis, Missouri, March 2010.
- (g) Speaker, *Evaluating and Valuing Employment Litigation Cases: Practice Perspectives on Employment Litigation*, Missouri Bar 2012 Employment Litigation Seminar, St. Louis, Missouri, June 2012.
- (h) Speaker, *Employment Law for the Non-Employment Practice*, Missouri Bar 2013 Solo & Small Firm Conference, Branson, Missouri, June 2013.
- (i) Speaker, *Exceptions to the Employment At Will Doctrine*, Missouri Bar 2014 Solo & Small Firm Conference, Branson, Missouri, June 2014.

**Awards & Recognition:**

- (a) 1998 National Moot Court Team
- (b) Recipient of the 1998 Judge Robert G. Dowd, Sr. Appellate Advocacy Award
- (c) Winner, 1998 Moot Court Competition, St. Louis University School of Law
- (d) Moot Court Board, 1998–1999, St. Louis University School of Law

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

**Joan Lockwood**  
Principal, Gray, Ritter & Graham PC  
701 Market Street, Suite 800  
St. Louis, Missouri 63101  
(314) 241-5620

**Peter J. Dunne**  
Principal, Pitzer Snodgrass PC  
100 S. Fourth Street, Suite 400  
St. Louis, Missouri 63102  
(314) 421-5545

**Jessica Liss**  
Managing Shareholder, Jackson Lewis PC  
7733 Forsyth Blvd., Suite 600  
St. Louis, Missouri 63105  
(314) 827-3939

**Morry Cole**  
Principal, Gray, Ritter & Graham PC  
701 Market Street, Suite 800  
St. Louis, Missouri 63101  
(314) 241-5620

**Thomas B. Weaver**  
Partner, Armstrong Teasdale LLP  
7700 Forsyth Blvd.  
St. Louis, Missouri 63105  
(314) 621-5070

25. State any additional data you deem relevant:

**Please see attached appendices:  
Appendix A – Trial Practice;  
Appendix B – Appellate Practice; and  
Appendix C – Writing Sample.**

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police or disciplinary records, and (2) the Commission and its members to obtain additional relevant information regarding my qualifications as well as the accuracy of my responses to the questions on this application, with the understanding that the information described in (1) and (2) above is available only to the members of the Twenty-Second Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10,



as amended effective February 29, 2008, if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct, and that if I am appointed to the office of Circuit Judge of the Circuit Court of the City of St. Louis, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE:

9/25/14

SIGNED:

A handwritten signature in blue ink, appearing to be "B. A. F. A.", written over the "SIGNED:" label.

## **APPENDIX A – Trial Practice**

### **Trial Experience as Licensed Attorney:**

**John Doe 1631 v. Quest Diagnostics, *et al.*; Cause No. 0822-CC07710**

**In the 22<sup>nd</sup> Judicial Circuit, City of St. Louis, Missouri**

Jury Trial, tried on December 6, 2010 – December 10, 2010.

Judge: Circuit Court Judge, Dennis M. Schaumann.

Opposing Counsel: Constantine “Dean” Passodelis, Gulf Tower, Suite 3510, 707 Grant Street, Pittsburgh, Pennsylvania, (412) 315-7272.

- My law partner, Ken Chackes, and I represented the Plaintiff, who brought claims of breach of fiduciary duty and wrongful disclosure of HIV status in violation of Section 191.656 of the Missouri Revised Statutes after Defendants disclosed Doe's HIV test results to his employer without his consent. Jury returned verdict in favor of Defendants. Doe promptly appealed based upon instructional errors, and his case is currently pending in the Missouri Supreme Court.

**State of Missouri v. Brenedetta Ward; Cause No. 22001-01439**

**In the 22<sup>nd</sup> Judicial Circuit, City of St. Louis, Missouri**

Jury Trial, tried on March 13, 2001 – March 14, 2001.

Judge: Circuit Court Judge, Jimmy Edwards.

Opposing Counsel: Former Assistant Circuit Attorney, Chris Hinckley, 4954 West Pine Boulevard, #602 St. Louis, MO 63108 (314) 422-7143, and Assistant Circuit Attorney, John Bird, 1114 Market Street, No. 401, St. Louis, Missouri 63103 (314) 622-4941.

- I represented the Defendant, who was charged with Property Damage, after Defendant allegedly set her ex-boyfriend's mattress on fire in his backyard. Case voluntarily dismissed by State at close of State's evidence.

**State of Missouri v. Barbara Pippens; Cause No. 011-0398**

**In the 22<sup>nd</sup> Judicial Circuit, City of St. Louis, Missouri**

Jury Trial, tried on February 26, 2001 – March 1, 2001.

Judge: Circuit Court Judge, Timothy Wilson.

Opposing Counsel: Former Assistant Circuit Attorney, Sherrie Gutnick (now Corporate Counsel at Wachovia), One N. Jefferson, St. Louis, Missouri (314) 995-3802.

- I represented the Defendant, who was charged with Child Abuse after Defendant's teen-aged son reported that she struck him several times. Jury returned a guilty verdict.

**State of Missouri v. Huong Nguyen; Cause No. 999-4751A**

**In the 22<sup>nd</sup> Judicial Circuit, City of St. Louis, Missouri**

Jury Trial, tried on September 25, 2000 – September 26, 2000.

Judge: Former Associate Circuit Court Judge, John Garvey (now Circuit Court Judge).

Opposing Counsel: Former Assistant Circuit Attorney, Chris Hinckley (now General Counsel, Missouri Gaming Commission), 4954 West Pine Boulevard, #602 St. Louis, Missouri 63108 (314) 422-7143.

- I represented the Defendant, who, along with a Co-Defendant, was charged with Assault in the Third Degree after an altercation broke out between Defendant and a patron of Defendant's nail salon over Defendant's failure to apply a "base-coat." Case dismissed by Court at close of State's evidence (Directed Verdict).

**State of Missouri v. Karl Reid; Cause No. 989-6225**

**In the 22<sup>nd</sup> Judicial Circuit, City of St. Louis, Missouri**

Jury Trial, tried on August 14, 2000 – August 16, 2000.

Judge: Former Associate Circuit Court Judge, John Garvey (now Circuit Court Judge).

Opposing Counsel: Former Assistant Circuit Attorney, Chris Hinckley (now General Counsel, Missouri Gaming Commission), 4954 West Pine Boulevard, #602 St. Louis, Missouri 63108 (314) 422-7143.

- I represented the Defendant, who was initially charged with Attempted Robbery after the victim identified Defendant in a line-up as being the individual who stole his brief-case. Jury returned a guilty verdict for Trespass in the Third Degree.

**Trial Experience as Federal Judicial Law Clerk:**

**Collins v. Platts, et al., Cause No. 4:02-CV-00886 HEA**

**United States District Court, Eastern District of Missouri**

Jury Trial held on February 2, 2004

Judge: U.S. District Court Judge, Henry Edward Autrey

Counsel for Plaintiff: Matthew Cutler and Rudolph Telscher, Jr.

Counsel for Defendants: Timothy Bates

- Plaintiff brought suit for patent infringement and wrongful dissolution of a partnership agreement after Defendants allegedly inappropriately earned profits on a beaded pen idea conceived by Plaintiff. Jury verdict returned in favor of Plaintiff and against Defendants.

**Lorillard v. St. Louis Community Credit Union, Cause No. 4:02-CV-01932**  
**United States District Court, Eastern District of Missouri**  
Jury Trial held on February 10, 2004  
Judge: U.S. District Court Judge, Henry Edward Autrey  
Counsel for Plaintiff: Nicholas B. Clifford, Jr.  
Counsel for Defendant: Gary W. Bomkamp

- Plaintiff brought suit against Defendant after Defendant negligently accepted numerous fraudulently endorsed Lorillard drafts and checks from a Lorillard employee, causing Lorillard nearly \$300,000 damages. Jury verdict returned in favor of Plaintiff and against Defendant.

**St. Clair and Simms v. City of St. Peters, Missouri, et al., Cause No. 4:03-CV-00976**  
**United States District Court, Eastern District of Missouri**  
Jury Trial held on November 15, 2004  
Judge: U.S. District Court Judge, Henry Edward Autrey  
Counsel for Plaintiffs: Jaime L. Reyes-Jones and John Goffstein  
Counsel for Defendants: David Hamilton

- Plaintiffs brought suit for discrimination after Defendants terminated Plaintiffs from their employment with the City of St. Peters based upon Plaintiffs' union activities. Jury verdict returned in favor of Plaintiffs and against Defendants.

**Trinity Products v. Burgess Steel, LLC, Cause No. 4:03-CV-01808**  
**United States District Court, Eastern District of Missouri**  
Jury Trial held on October 24, 2005  
Judge: U.S. District Court Judge, Henry Edward Autrey  
Counsel for Plaintiff: Michael Wilson, Michelle Eller, and Scott Strange  
Counsel for Defendants: Lawrence Fechner, Nicole Zellweger, and Richard Huck, III

- Plaintiff brought suit for breach of contract after Defendant allegedly failed to fabricate and deliver structural steel members per engineered drawings furnished by Plaintiff. Jury verdict returned in favor of Plaintiff and against Defendants in four out of five counts.

## **APPENDIX B – Appellate Practice**

### **Missouri Supreme Court**

**John Doe 1631 v. Quest Diagnostics, Inc., *et al.***

**In the Supreme Court of Missouri, No. SC92790**

- After a verdict for defendants at trial, the Eastern District Court of Appeals affirmed the judgment of the trial court. I prepared and filed the Substitute Brief of Appellant in the Missouri Supreme Court on behalf of our client, John Doe.

Plaintiff-Appellant appealed from the judgment of the Circuit Court of St. Louis City in favor of Defendant-Respondents on John Doe's claims of breach of fiduciary duty and wrongful disclosure of HIV status in violation of Section 191.656 of the Missouri Revised Statutes. John Doe asserted that the trial court improperly submitted Instruction No. 6, the verdict director in his claim for breach of fiduciary duty, because it improperly required a showing of negligence, where no such element is required under Missouri law. Doe also asserted that the trial court improperly submitted Instruction No. 9, the affirmative defense to Appellant's claim for wrongful disclosure of his HIV test results under, §191.656, RSMo., which requires written authorization before confidential health and medical information may be disclosed, and no evidence was adduced at trial that such authorization was provided. Finally, Doe asserted that the trial court erred in granting defendants' motion for directed verdict as to the parent company, where a submissible case as to the liability of the parent company was supported by the legal and substantial evidence.

Oral argument was held before the Eastern District Court of Appeals in March, 2012 at St. Louis University School of Law. Cause was affirmed in a Per Curiam Order Opinion in June, 2012. Application for Transfer from the Missouri Court of Appeals to the Missouri Supreme Court was accepted in September, 2012 and oral arguments were held in December, 2012. In March, 2013, finding that the trial court had improperly submitted certain jury instructions, the Supreme Court remanded the case to the Circuit Court of St. Louis City for a new trial.

### **Missouri Court of Appeals, Eastern District**

**John Doe 1631 v. Quest Diagnostics, Inc., *et al.***

**In the Missouri Court of Appeals, Eastern District, No. ED96516**

- After a verdict for defendants, I prepared Appellant's Brief to the Missouri Court of Appeals, Eastern District, on behalf of our client, John Doe.

Plaintiff-Appellant appealed from the judgment of the Circuit Court of St. Louis City in favor of Defendant-Respondents on John Doe's claims of breach of fiduciary duty and wrongful disclosure of HIV status in violation of Section 191.656 of the

Missouri Revised Statutes. John Doe asserted that the trial court improperly submitted Instruction No. 6, the verdict director in his claim for breach of fiduciary duty, because it improperly required a showing of negligence, where no such element is required under Missouri law. Doe also asserted that the trial court improperly submitted Instruction No. 9, the affirmative defense to Appellant's claim for wrongful disclosure of his HIV test results under, §191.656, RSMo., which requires written authorization before confidential health and medical information may be disclosed, and no evidence was adduced at trial that such authorization was provided. Finally, Doe asserted that the trial court erred in granting defendants' motion for directed verdict as to the parent company, where a submissible case as to the liability of the parent company was supported by the legal and substantial evidence.

Oral argument was held on March 21, 2012 at St. Louis University School of Law. Cause was affirmed in a Per Curiam Order Opinion on June 26, 2012. Application for Transfer from the Missouri Court of Appeals to the Missouri Supreme Court was accepted on September 25, 2012 and is currently pending. Oral arguments were held on December 10, 2012.

**Bobby Morris v. Karl Bissinger, Inc.**

**In the Missouri Court of Appeals, Eastern District, No. ED91202**

- I represented Defendant Karl Bissinger, Inc. in Circuit Court, where Defendant's Motion to Dismiss was granted after a hearing on the matter. Thereafter, I participated in the preparation of Respondent's Brief to the Court of Appeals with Cynthia Petracek and Robert Kaiser of Armstrong Teasdale LLP, 7700 Forsyth Boulevard, Suite 1800, St. Louis, MO 63105, (314) 621-5070.

Plaintiff-Appellant appealed from a judgment dismissing her claims of sexual harassment and retaliation against Defendant-Respondent in violation of the Missouri Human Rights Act (MHRA). When Plaintiff filed her original Petition in the Circuit Court of the City of St. Louis, Missouri, it was 91 days after the date of the Notice of Right to Sue received from the Missouri Commission on Human Rights (MCHR). Defendant filed a Motion to Dismiss Plaintiff's claims based upon Plaintiff's failure to file her lawsuit within 90 days as required by Section 213.111, RSMo. After a hearing on the Motion, the trial court entered its order dismissing Plaintiff's Petition.

On appeal, the Court determined the proper procedure for calculating the 90-day period in which prospective plaintiffs have to file suit after receiving a right-to-sue-notice from the MCHR. The court maintained that while the first day of the period should not be included in the count, the last day should, unless it falls on a Sunday or legal holiday. Because Plaintiff's right to sue period fell on a Sunday and she subsequently filed suit on the following Monday, the Court held that her filing was timely. The matter was reversed and remanded to the trial court for further proceedings.

## **Eighth Circuit Court of Appeals**

### **United States of America v. Kenneth Waller**

#### **In the United States Court of Appeals for the Eighth Circuit, No. 98-2105**

- I prepared the Brief of Appellant on behalf of Kevin Curran, Assistant Federal Public Defender, 1010 Market Street, St. Louis, MO 63101, (314) 241-1255.

On April 2, 1998, Appellant was sentenced to 240 months incarceration and five (5) years supervised release after being convicted of conspiracy to possess with the intent to distribute in excess of 50 grams of cocaine base in violation of 21 U.S.C. § 846, possession with the intent to distribute in excess of 50 grams of cocaine base in violation 21 U.S.C. § 841(a)(1), possession with the intent to distribute in excess of five (5) grams of cocaine base in violation of 21 U.S.C. § 841, and for being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

In our brief to the Eighth Circuit Court of Appeals, we argued that Appellant's convictions for possession with the intent to distribute and for felon in possession of a firearm should be reversed because the District Court erred in instructing the jury on constructive possession where the instruction lacked evidentiary support and was based upon mere suspicion and speculation, thereby materially affecting the jury's verdict and constituting plain error. We also argued that the Court of Appeals should reverse Appellant's convictions because any possible evidence of a constructive possession was insufficient to sustain a conviction. Appellant's convictions were affirmed by the Eighth Circuit.

### **United States of America v. Donald Deavault**

#### **In the United States Court of Appeals for the Eighth Circuit, No. 98-3992**

- I prepared the Brief of Appellant on behalf of Kevin Curran, Assistant Federal Public Defender, 1010 Market Street, St. Louis, MO 63101, (314) 241-1255.

On November 20, 1998, Appellant was sentenced to 140 months incarceration and three (3) years supervised release after being convicted of carjacking in violation of 18 U.S.C. § 2119(a) and the use of a firearm in relation to a crime of violence in violation of 18 U.S.C. § 924(c)(1).

In our brief to the Eighth Circuit Court of Appeals, we argued that Appellant's conviction should be reversed because the district court erred in denying appellant's motion for new trial where newly discovered surveillance video evidence provided a basis for a new trial and the Government withheld such evidence in violation of *Brady v. Maryland*. We also argued that the district court erred in denying defendant's motion to suppress impermissibly suggestive photographic identification evidence in violation of the Appellant's right to due process. The Eighth Circuit affirmed the district court.

## United States Supreme Court

### **Phillip W. Hammons v. United States of America**

#### **In the Supreme Court of the United States, October 1998 Term**

- I prepared the Petition for Writ of Certiorari on behalf of Thomas Flynn, Assistant Federal Public Defender, 1010 Market Street, St. Louis, MO 63101, (314) 241-1255.

On June 27, 1997, Petitioner was indicted and charged with knowingly and intentionally possessing cocaine with the intent to distribute in violation of 21 U.S.C. § 841(a)(1). Petitioner moved to suppress evidence and statements based upon the theory that the search of Petitioner's vehicle was warrantless, which was granted in part and denied in part. Petitioner's consent to search an envelope found in his vehicle was found to be involuntary, however, in light of the inevitable discovery doctrine, the contents were not suppressed. Petitioner entered a guilty plea to the Indictment on October 6, 1997, but reserved his right to appeal under Federal Rule of Criminal Procedure 11(a)(2). The Eighth Circuit affirmed the decision of the district court, and Petitioner invoked the U.S. Supreme Court's jurisdiction under 28 U.S.C. § 1254(1).

In our Petition to the Supreme Court, we argued that it is unreasonable for a law enforcement officer to believe the scope of a third party's consent to search a vehicle extends to the closed and clearly marked personal container of a passenger who has a reasonable expectation of privacy to his belongings. It was further argued that the application of the inevitable discovery doctrine to evidence obtained from an illegal search requires that law enforcement officers be actively pursuing a substantial alternative line of investigation at the time of the police misconduct. The Supreme Court declined to hear Petitioner's case.



### **APPENDIX C – Writing Sample**

**To:** Chief Judge Angela Turner Quigless  
Mr. Stephen Doss  
Mr. Steven Groves  
Mr. Michael Calvin  
Ms. June Bosley Dabney-Gray

**From:** Bridget Halquist

**Date:** September 24, 2014

**Subject:** Writing Sample

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Attached please find a recent sample of my writing, which is the first argument of an appeal I authored and filed in the Eastern District Court of Appeals on behalf of our client, John Doe 1631. The case was accepted for transfer by the Missouri Supreme Court in September, 2012 and oral arguments were held in December, 2012. In March, 2013, the Supreme Court found in favor of John Doe 1631 and remanded the case to the Circuit Court of St. Louis City for a new trial.

IN THE MISSOURI COURT OF APPEALS  
EASTERN DISTRICT

**FILED**  
DEC - 2 2011

**LAURA ROY**

CLERK, MISSOURI COURT OF APPEALS  
EASTERN DISTRICT

JOHN DOE 1631,

Plaintiff/Appellant,

vs.

QUEST DIAGNOSTICS, INC.,  
LABONE, INC., and QUEST  
DIAGNOSTICS CLINICAL  
LABORATORIES, INC. d/b/a QUEST  
DIAGNOSTICS,

Defendants/Respondents.

No. ED96516

Appeal from the Circuit Court  
of the City of St. Louis  
Cause No. 0822-CC07710

**BRIEF OF APPELLANT**

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ATTORNEYS FOR PLAINTIFF/APPELLANT

## ARGUMENT

POINT 1. THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION FOR NEW TRIAL, BECAUSE INSTRUCTION NO. 6, THE VERDICT DIRECTOR SUBMITTED BY THE COURT ON APPELLANT'S CLAIM FOR BREACH OF FIDUCIARY DUTY, IMPROPERLY REQUIRED PROOF OF NEGLIGENCE, IN THAT NEGLIGENCE IS NOT AN ELEMENT OF A CLAIM FOR BREACH OF FIDUCIARY DUTY, THE INSTRUCTION MISLED, MISDIRECTED, AND/OR CONFUSED THE JURY, AND APPELLANT WAS THEREBY PREJUDICED.

### A. Standard of Review

When reviewing whether a jury was properly instructed, the appellate court's review is *de novo*. Myers v. Farm Bureau Town & Country Ins. Co., 345 S.W.3d 341, 348 (Mo. App. E.D. 2011). An instruction shall be given or refused by the trial court according to the law and the evidence in the case. First State Bank of St. Charles v. Frankel, 86 S.W.3d 161, 173 (Mo. App. E.D. 2002) (*citing* Rule 70.02(a)). To reverse on grounds of instructional error, the party claiming instructional error must establish that the instruction at issue misdirected, misled, or confused the jury, and prejudice resulted from the error. Dhyne v. State Farm Fire and Cas. Co., 188 S.W.3d 454, 459 (Mo. banc 2006).

**B. Instruction No. 6 misstated the law because the elements of a breach of fiduciary duty claim in this instance are (1) disclosure of confidential information, (2) without consent, and (3) sustained damages.**

The trial court erred in submitting, over Doe's objection, Instruction No. 6, the verdict director for Doe's claim of breach of fiduciary duty. Doe objected to the verdict director on the grounds that it misstated the law, in that it required Doe to prove that Quest acted *negligently* when it disclosed Doe's HIV test results to Doe's employer. (TR 509-521). Instruction No. 6, the verdict director on Doe's claim for breach of fiduciary duty, was submitted to the jury as follows:

Instruction No. 6

On the claim of Plaintiff for breach of fiduciary duty,  
your verdict must be for Plaintiff if you believe:

First, defendant sent plaintiff's confidential lab results by  
facsimile to plaintiff's place of employment, without first  
obtaining plaintiff's consent to do so, and

Second, in taking the action submitted in paragraph first,  
defendant *negligently* failed to protect the confidentiality of  
plaintiff's lab results, and

Third, as a direct result of such *negligence*, plaintiff was  
damaged.

The term "negligent" or "negligence" as used in this  
instruction means *the failure to use ordinary care*. The phrase

“ordinary care” means that degree of care that an ordinarily careful person would use under the same of similar circumstances.

(A16; LF 228 (emphasis added)).

At trial, Doe submitted Instruction B to the court as the verdict director on his claim of breach of fiduciary duty, which was refused. (A21; LF 233; TR 519 ). Doe argued that this Court's holding in Fierstein v. DePaul Health Center, 24 S.W.3d 220, 226 (Mo.App. E.D. 2000) (“Fierstein II”) set out the required elements of a claim of breach of fiduciary duty.<sup>2</sup> (TR 509-521).

Prior to its ruling in Fierstein II, this Court addressed the elements of a claim of breach of fiduciary duty in Fierstein v. DePaul Health Center, 949 S.W.2d 90, 92 (Mo. App. E.D. 1997) (“Fierstein I”). In Fierstein I, the plaintiff brought an action against a hospital for the wrongful release of the plaintiff's medical records, alleging a breach of the fiduciary duty owed to her under the physician-patient privilege. The suit was filed after medical records reflecting the plaintiff's hospitalization were sent by the hospital directly to her ex-husband's attorney instead of complying with the subpoena, which required the hospital's custodian of records to appear and produce the records at a deposition a week later. The trial court granted summary judgment in favor of the

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<sup>2</sup> When there is no MAI instruction, an instruction must conform to the theory of MAI; it must follow the substantive law. Ahrens & McCarron, Inc. v. Mullenix Corp., 793 S.W.2d 534, 541 (Mo.App. E.D. 1990).

hospital as to plaintiff's claim for breach of fiduciary duty. On appeal, this Court cited the Supreme Court's holding in Brandt v. Medical Defense Associates, 856 S.W.2d 667, 674 (Mo. banc 1993), noting that a physician has a fiduciary duty of confidentiality not to disclose any medical information received in connection with the treatment of a patient. Fierstein, 949 S.W.2d at 92. Because medical records are included under the physician-patient privilege, a plaintiff may maintain an action for damages in tort against the physician where the physician discloses any information without first obtaining the patient's waiver. Id. (citing Leritz v. Koehr, 844 S.W.2d 583, 584 (Mo. App. E.D. 1993) and Brandt, 856 S.W.3d at 674). The Fierstein I Court reversed and remanded the matter for trial, finding that the plaintiff had alleged sufficient facts to support her claim for breach of fiduciary duty. Id.

In Fierstein II, the defendant hospital appealed the trial court's judgment after the jury found for the plaintiff on her claim for breach of fiduciary duty. The hospital argued that the trial court erred when it submitted Instruction No. 5, plaintiff's verdict director on her claim of breach of fiduciary duty, because the verdict director should have contained an additional element. At trial, the court approved of the following verdict director on plaintiff's breach of fiduciary duty claim:

Instruction No. 5

Your verdict must be for Plaintiff if you believe:

First, Defendant disclosed Plaintiff's hospital records to attorneys for [husband], and

Second, Defendant made such disclosure without first obtaining Plaintiff's consent to do so, and

Third, as a direct result of such disclosure, Plaintiff sustained damage.

Fierstein, 24 S.W.3d at 226. The hospital argued that the trial court erred when it refused to include the phrase "as a direct result of such disclosure prior to the July 15 record custodian's deposition" in the third paragraph of the verdict director. Id. at 225. On appeal, this Court held:

The verdict director complied with the directive of this court about what elements were necessary to make a submissible case in Fierstein I. This court stated that "if a physician discloses any information, without first obtaining the patient's waiver, then the patient may maintain an action for damages in tort against the physician." Fierstein I, 949 S.W.2d at 992. The trial court did not err in submitting Instruction No. 5, plaintiff's verdict director, to the jury.

Fierstein, 24 S.W.3d at 225 (citing Fierstein, 949 S.W.2d at 92 ("Fierstein I")).

Doe's submission of Instruction B to the court as the verdict director on his claim of breach of fiduciary duty was consistent with this Court's ruling in Fierstein II, in that it properly instructs the jury as to the elements of a breach of fiduciary duty, while Instruction No. 6, the verdict director actually submitted to the jury, does not. (A16, A21; LF 228, 233; TR 519 ). Doe should have only been required to prove that Quest Diagnostics (1) disclosed confidential information, (2) without his consent, and (3) as a

result of such disclosure, Doe sustained damages. Instruction No. 6 improperly required Doe to prove that Quest acted *negligently* when it disclosed Doe's HIV test results to Doe's employer, yet no such requirement exists under Missouri law. (A16; LF 228; TR 509-521). Accordingly, Doe respectfully requests that this Court reverse the lower court and require a new trial.

**C. Missouri does not require proof of negligence in an action for breach of fiduciary duty, thus Instruction No. 6 improperly heightened Doe's burden of proof and misled the jury, causing prejudice to Doe.**

In this case, quite shockingly, Quest Diagnostics mischaracterized the law and misled the trial court when it argued that *negligence* is an element of a breach of fiduciary duty claim. (TR 509-521). Defendants advised the trial court that Koger v. Hartford Life Inc. Co., 28 S.W.3d 405 (Mo. App. W.D. 2000) supported their contention that a negligence element should be incorporated into the verdict director on Doe's claim for breach of fiduciary duty. (TR 516-518). Koger, however, says *nothing* about "negligence" being an element of a claim for breach of fiduciary duty.<sup>3</sup>

In Koger, after several of plaintiff's claims were dismissed by the trial court, plaintiff appealed to the Western District Court of Appeals, arguing that the trial court

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<sup>3</sup> The word "negligent" appears only three times in Koger, and on each occasion the court refers to plaintiff's claim for "negligent misrepresentation" and not in the context of a claim for breach of fiduciary duty. Incidentally, the words "negligence" and "negligently" are absent from the opinion entirely. Koger, 28 S.W.3d at 408, 414.



committed numerous errors.<sup>4</sup> In addressing plaintiff's argument that the trial court erred when it dismissed his claim for breach of fiduciary duty, the court explained that to adequately state a claim for breach of fiduciary duty, a plaintiff must plead: (1) the existence of a fiduciary relationship between the parties, (2) a breach of that fiduciary duty, (3) causation, and (4) harm. Koger, 28 S.W.3d at 410 (*citing Preferred Physicians Mutual Mgmt. Grp. v. Preferred Physicians Mutual Risk Retention*, 918 S.W.2d 805, 811 (Mo. App. W.D. 1996)). In affirming the trial court dismissal of plaintiff's breach of fiduciary duty claim, the court held:

This court cannot determine what Koger is asserting as a breach of any fiduciary duty. The pleadings are void on this point. Additionally, after failing to properly plead breach of duty, Koger could not and did not plead causation. Finally, Koger made no connection between a supposed fiduciary duty arising out of Hartford's investment powers and any harm Koger has suffered. Koger did not properly assert a claim for breach of fiduciary duty. The petition was insufficient, and the trial court did not err in dismissing that claim.

Koger, 28 S.W.3d at 410.

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<sup>4</sup> In Koger, the plaintiff appealed the judgment of the trial court denying plaintiff's motion for class certification, dismissing his claims for breach of fiduciary duty, fraud, and breach of duty of good faith and fair dealing, and denying him leave to file an amended petition. Koger, 28 S.W.3d at 407-09.

Perhaps most notably, the Missouri Supreme Court has expressly addressed the required elements in a claim of breach of fiduciary duty and its contrast to tort principles measured by the standard of care. In Klemme v. Best, 941 S.W.2d 493 (Mo. banc 1997), the Court specifically held that a claim of breach of fiduciary duty is distinguishable from a claim of negligence. Id. at 495. In recognizing the difference between a claim for legal malpractice and one for breach of fiduciary duty, the Court noted the rationale for differing elements: "[A] breach of the standard of care is negligence, and a breach of fiduciary obligation is constructive fraud." Id. (citing LEGAL MALPRACTICE, § 8.10 at 600; and Gardine v. Cottey, 230 S.W.2d 731, 739 (Mo. banc 1950)).

Klemme arose out of a federal suit against the city of Columbia and several police officers, including Klemme. Id. at 493. The federal court dismissed Klemme with prejudice after determining that the facts did not support a claim against him. Klemme then sued his attorney, Robert Best, who had originally represented all defendants in the case, alleging that Best placed the interests of the City and its insurer above Klemme's interests, and had thus breached his fiduciary duty to Klemme. The Supreme Court concluded:

Klemme has alleged facts that constitute the tort breach of fiduciary duty or constructive fraud against his attorney; Best and Klemme had an attorney-client relationship; Best breached his fiduciary obligation by placing the interests of other clients before Klemme's; this breach proximately caused Klemme damages; no other recognized tort

encompasses Klemme's claim. The circuit court erred in finding that

Klemme's petition failed to state a claim.

Id. at 496.

Similarly, in Costa v. Allen, 274 S.W.3d 461 (Mo. 2009), the Missouri Supreme Court once again addressed the required elements in a claim of breach of fiduciary duty and its contrast to tort principles measured by the standard of care. Id. at 462. In Costa, the plaintiff, acting *pro se*, sued the former public defender who represented him unsuccessfully in a post-conviction action, alleging breach of fiduciary duty after the public defender failed to obtain and secure certain witnesses at an evidentiary hearing. The plaintiff argued that the public defender's failure to call the witnesses doomed the client's otherwise valid post-conviction claim. The trial court dismissed plaintiff's *pro se* petition without granting leave to amend and without elaboration. Plaintiff appealed. Id.

On appeal, the Supreme Court specifically noted that "[a]n attorney's fiduciary duties equate specifically to loyalty and confidentiality, in contrast to contractual obligations or the duty of due care." Id. The plaintiff denied his action was one for legal malpractice or that it invoked principles measured by the standard of care. Id. at 463, n.4. Thus, the Court held that because plaintiff's petition alleged no violation of the public defender's "basic fiduciary obligations of undivided loyalty and confidentiality" the plaintiff's petition failed to state a claim upon which relief can be granted. Id. at 463

(citing Klemme, 941 S.W.2d at 495).<sup>5</sup>

In this case, substantial evidence at trial was adduced in support of Doe's proposed Instruction B, yet, over Doe's objection, Instruction No. 6 was the verdict director actually submitted to the jury. Instruction No. 6 misstated the law and required Doe to prove that Quest Diagnostics was *negligent* in its fiduciary duty when no such requirement exists under Missouri law. Under Missouri law, Doe should have only been required to prove that Quest Diagnostics (1) disclosed confidential information, (2) without his consent, and (3) as a result of such disclosure, Doe sustained damages. The additional element of negligence incorporated into Doe's claim for breach of fiduciary duty improperly heightened Doe's burden of proof on the claim and misled the jury as to what is required for a showing of a breach of fiduciary duty, resulting in prejudice to Doe. Accordingly, Doe respectfully requests that this Court reverse the lower court and require a new trial.

**POINT 2. THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION FOR NEW TRIAL, BECAUSE INSTRUCTION NO. 9, AN AFFIRMATIVE DEFENSE TO APPELLANT'S CLAIM OF WRONGFUL DISCLOSURE UNDER §191.656 RSMO., SHOULD NOT HAVE BEEN**

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<sup>5</sup> Despite its ruling regarding plaintiff's failure to properly plead a breach of fiduciary duty claim, the Costa Court ultimately vacated the judgment and remanded the case, because the trial court failed to freely grant plaintiff leave to amend his petition pursuant to Rule 67.06.

### **Biographical Information**

Bridget Halquist received her law degree in 1999 from Saint Louis University, where she was the winner of the 1998 Saint Louis University School of Law Moot Court Competition. Ms. Halquist was also the 1998 Recipient of the Judge Robert G. Dowd, Sr. Prize in Appellate Advocacy and a member of the National Moot Court Team. After graduating from law school, Ms. Halquist served as a Trial Attorney for the Missouri State Public Defender's Office where she represented indigent defendants throughout all stages of prosecution.

Ms. Halquist engaged in private practice before serving for four years as a Federal Judicial Law Clerk to the Honorable Henry Edward Autrey, United States District Court Judge, Eastern District of Missouri. Following her federal clerkship, Ms. Halquist entered private practice once again. She is admitted to practice law in the State of Missouri and the U.S. District Court, Eastern District of Missouri. She is an active member of the Missouri Bar Association, the Missouri Association of Trial Attorneys, the National Employment Lawyers Association, the Bar Association of Metropolitan St. Louis, the Lawyers Association of St. Louis, and the Women Lawyers' Association of St. Louis. Ms. Halquist also proudly serves the Missouri Supreme Court as a Bar Examiner on behalf of the Missouri Board of Law Examiners.

Ms. Halquist lives with her family in the Tower Grove Heights neighborhood. She has been a resident of Tower Grove Heights since 1997 and is a lifetime member of the Tower Grove Heights Neighborhood Association.